

1252

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. Hudgens § Group Art Unit: 2826
Serial No.: 10/633,873 §
Filed: August 4, 2003 § Examiner: Ahmed N. Sefer
For: Processing Phase Change Material To § Atty. Dkt. No.: ITO.0048US (P16245)
Improve Programming Speed §

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

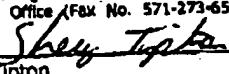
An additional extension of time fee was charged to our Deposit Account on November 21, 2007 in connection with the late filing of a Notice of Appeal dated September 10, 2007. The Final Office Action was dated March 13, 2007 and a response was filed on April 16, 2007. The Examiner issued an Advisory Action dated August 28, 2007 which states that if a responses is filed with two months of the Final Office Action, "the period for response expires three months from the date of the final rejection *or as of the mailing date of this Advisory Action, whichever is later.*" Since Applicant filed the Notice of Appeal on September 10, 2007 (which is within one month from the date of the Advisory Action), only a one-month extension of time was due. Therefore, Applicant is due a refund in the amount of \$490.

Please make a refund, in the amount of \$490, to Deposit Account No. 20-1504 (ITO.0048US).

Respectfully submitted,

Date: 12/5/2007


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Date of Deposit: December 5, 2007
I certify that this document and authorization to credit deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-6500) on the date indicated above.

Sherry Tipton

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)						Docket No. ITO.0048US (P16245)
In Re Application Of: Stephen J. Hudgens						
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.	
10/633,873	August 4, 2003	Ahmed N. Sefer	21906	2826	5270	
Invention: Processing Phase Change Material to Improve Programming Speed						
						
COMMISSIONER FOR PATENTS:						
<p>This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>March 13, 2007</u> in the above-identified application.</p>						
<p><u>Date</u></p>						
<p>Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated <u>March 13, 2007</u></p>						
<p>Applicant(s) hereby request(s) an extension of time of (check desired time period):</p>						
<input checked="" type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months						
from: <u>August 28, 2007</u>				until: <u>September 13, 2007</u>		
<i>Date</i>				<i>Date</i>		
<p>The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:</p>						
<p>Fee for Notice of Appeal: <u>No fee due; fee paid 06/20/06.</u></p>						
<p>Fee for Extension of Time: <u>\$120.00</u></p>						
<p>TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: <u>\$120.00</u></p>						
<p>The fee for the Notice of Appeal and extension of time is to be paid as follows:</p>						
<p><input checked="" type="checkbox"/> A check in the amount of <u>\$120.00</u> for the Notice of Appeal and extension of time is enclosed.</p>						
<p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p>						
<p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <u>20-1504</u></p>						
<p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16: <u>09/13/2007 HWD061 00000047 10633873</u></p>						
<p><input type="checkbox"/> Any patent application processing fees under 37 CFR 1.1701 <u>FC1251 120.00 00</u></p>						
<p><input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. <u>20-1504</u></p>						
<p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>						
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						

Adj. just date: 11/21/2007 AJENKINS 00000001 201504 106333873
01 FC 1252 490.00 CR